



UNITED STATES PATENT AND TRADEMARK OFFICE

1998-2000年，我國GDP年均增長率為8.5%，而同期我國GDP占世界GDP的比重由4.3%上升到5.7%，占世界經濟的份額上升了1.4個百分點。

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J. Neurosci., Vol. 21, No. 11, June 1, 2001, pp. 3731–3742

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Application No. 68-312,635

Attorney Docket No. C-240<sup>2</sup>

4.1. METHOD FOR DESULFURIZING  
GASOLINE OR DIESEL FUEL FOR USE  
IN AN INTERNAL COMBUSTION  
ENGINE

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## OFFICE OF PETITIONS

DECISION GRANTING  
REQUEST FOR REFUND

This is a decision in the request for refund filed May 9, 2002, requesting that the continued prosecution application (CPA) fee and independent claim fees of \$904.20 filed on January 2, 2002 and applied to application No. 99/512,035 be refunded.

Section 647.02 of the Manual of Patent Examining Procedure, Eighth Edition (August 21<sup>st</sup>, 2013), reads in part as follows:

Under 35 U.S.C. 42(d) and 37 CFR 1.26, the Office may refund (1) a fee paid by mistake (e.g., fee paid when no fee is required), or (2) any fee paid in excess of the amount of fee that is required. See *Ex parte Grady*, 59 USPQ 276, 277 (Comm'r Pat. & Tm. 1943) (the statutory authorization for the refund of fees under the "by mistake" clause is applicable only to a mistake relating to the fee payment). When an applicant or patentee takes an action "by mistake" (e.g., files an application or maintains a patent in force "by mistake"), the submission of fees required to take that action (e.g., a filing fee submitted with such application or a maintenance fee submitted for such patent) is not a "fee paid by mistake" within the meaning of 35 U.S.C. 42(d) / 37 CFR 1.26(a) as it provides that a change of purpose after the payment of a fee (as when a party lets it be known that it will withdraw the filing of a patent application for which the fee was paid) will not entitle the party to a refund of such fee.

A review of application no. 18-542-35 reveals that no CPA has been filed.

Since applicant did not file a CPA on January 15, 2002, applicant is entitled to a refund of the \$75.00 CPA filing fee and the \$252.00 excess claim fees.

Accordingly, the request is granted.